

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

MACE SECURITY INTERNATIONAL,
INC.,

Plaintiff,

v.

Case No. 8:19-cv-01429-T-60AEP

MOBILE DYNAMIC MARKETING INC.
d/b/a STEALTH TECHNOLOGIES, INC.,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the Report and Recommendation of Anthony E. Porcelli, United States Magistrate Judge, entered on October 21, 2019. (Doc. # 21). By the thorough and reasoned report and recommendation, Judge Porcelli recommends that (1) Plaintiff's "Motion for Default Final Judgment and to Require Completion of a Fact Information Sheet" (Doc. # 13) be denied, and (2) Defendant's "Motion to Vacation Clerk's Default" (Doc. # 16) be granted. Neither Plaintiff nor Defendant filed an objection to the amended report and recommendation, and the time to object has expired.

Under the Federal Magistrates Act, Congress vested Article III judges with the power to "designate a magistrate judge to hear and determine any pretrial matter pending before the court," subject to various exceptions. 28 U.S.C. § 636(b)(1)(A). The Act further vests magistrate judges with authority to submit

proposed findings of fact and recommendations for disposition by an Article III judge. 28 U.S.C. § 636(b)(1)(B). After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982).

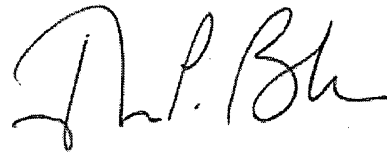
In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*. *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993). However, the district judge reviews legal conclusions *de novo*, even in the absence of an objection. *See Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Castro Bobadilla v. Reno*, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), *aff'd*, 28 F.3d 116 (11th Cir. 1994) (table). When no timely and specific objections are filed, case law indicates the district judge should review the magistrate judge's proposed findings and recommendations using a clearly erroneous standard. *See Gropp v. United Airlines, Inc.*, 817 F. Supp. 1558, 1562 (M.D. Fla. 1993).

After careful consideration of the record, including Judge Porcelli's report and recommendation, the Court adopts the amended report and recommendation. The Court agrees with Judge Porcelli's detailed and well-reasoned factual findings and legal conclusions. Consequently, (1) Plaintiff's "Motion for Default Final Judgment and to Require Completion of a Fact Information Sheet" is denied, and (2) Defendant's "Motion to Vacation Clerk's Default" is granted.

It therefore **ORDERED, ADJUDGED, and DECREED:**

1. Plaintiffs "Motion for Default Final Judgment and to Require Completion of a Fact Information Sheet" (Doc.# 13) is **DENIED.**
2. Defendant's "Motion to Vacate Clerk's Default" (Doc.# 16) is **GRANTED.**
3. The Clerk is directed to **VACATE** the entry of the Clerk's default. (Doc.# 11).
4. Defendant has fourteen (14) days from the date of the Court's Order to file a responsive pleading.

DONE and ORDERED in Chambers in Tampa, FL this 13th day of November. 2019.

A handwritten signature in black ink, appearing to read 'T. P. Barber', is written above a horizontal line.

TOM BARBER
UNITED STATES DISTRICT JUDGE